

REMARKS

1. The Office Action has rejected Claims 1 - 2 and 14 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 5,655,334 (Kwaitkowski). The Office Action states that Kwaitkowski discloses a snow guard that includes an attachment strap (310), a mounting bracket 321 detachable connected to the bracket and a snow retention member 330 detachably mounted on the bracket. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendment of independent Claims 1 and 14 above. More particularly, Claim 1 has been amended to define the mounting bracket as being detachably connected to the attachment strap by fasteners and that the snow retention member is detachably connected by a locking fastener that passes through an opening in the attachment strap and passing through the mounting bracket to engage the snow retention member. Claim 14 has been amended to add that the snow retention member is formed with a base member and a body member, with the mounting bracket having an attachment receptacle that includes a wedging edge to correspond to a beveled edge of the base member.

Applicant respectfully submits that the Kwaitkowski reference does not disclose a detachable mounting bracket or a detachable snow retention member. More specifically, the snow retention member is riveted by a copper rivet 340 to the support, which in turn is crimped onto the attachment strap. To better clarify Applicant's invention, Claim 1 has been amended to clearly define the mechanism by which the mounting bracket and the snow retention member are detachably connected. Applicant respectfully submits that the Kwaitkowski reference does not contain any teaching or suggestion that meets the limitations of amended independent Claim 1.

With respect to Claim 14, Applicant respectfully submits that the Kwaitkowski reference contains no teaching or suggestion for an attachment receptacle as defined in amended independent Claim 14, specifically an attachment receptacle that is formed with a wedging edge that corresponds to a beveled edge on the base member of the snow retention member. This wedging edge that mates with the beveled edge on the snow retention member enables the snow retention member to be detachably retained on the mounting bracket by a single locking fastener. The snow retention member in Kwaitkowski is simply riveted on top of the support that projects

upwardly from the attachment strap. Kwaitkowski contains no teaching or suggestion whatsoever for the apparatus claimed in amended Claim 14 to permit the attachment of the snow retention member.

Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

2. The Office Action has rejected Claims 3 - 5, 9, 10, 15 and 16 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Kwaitkowski in view of U. S. Patent No. D364338 (Cline) and U. S. Patent No. 6,584,737 (Bradley). The Office Action states that Cline shows a beveled edge to be attached to a roof, and that Bradley shows a bracket having a wedging edge with receptacles for mounting structures to a roof. The Office Action concludes that it would be obvious to form an attachment receptacle with a wedging edge. This rejection is respectfully traversed.

Claims 3 - 5 depend from Claim 1, which has been amended as noted in the previous Paragraph to define the manner in which the mounting bracket and snow retention member are detachably connected. Applicant respectfully submits that neither the Cline nor the Bradley references add anything to the Kwaitkowski reference to meet these specific limitations. More particularly, Cline is directed to a one-piece snow retention member that has no detachable parts whatsoever. Furthermore, Cline cannot teach the limitations in amended Claim 1 relating to the detachable connection of the mounting bracket and the snow retention member. Bradley is directed to a one-piece attachment strap / mounting member with an apparatus simply bolted to the top of this one-piece member. Accordingly, Bradley contains no teaching or suggestion to meet the specific apparatus set forth in independent Claim 1, as amended, for detachably connecting the mounting bracket and snow retention member.

Claims 15 and 16 depend from amended independent Claim 14 and include the specific structural limitations set forth therein. Applicant respectfully submits that neither the Cline reference nor the Bradley reference contain any teaching or suggestion for meeting the claimed structure for mounting the snow retention member to the mounting bracket, specifically neither Cline nor Bradley contain any teaching or suggestion relating to the formation of an

attachment receptacle that has a wedging edge that mates with a beveled edge on the base of the snow retention member. As noted above, Cline is a one-piece snow guard that has no detachable parts whatsoever, and Bradley depicts a one-piece attachment strap / mounting bracket with devices simply bolted directly on top of the bracket with no teaching or suggestion of a wedging edge or beveled edge as set forth in amended independent Claim 14.

Independent Claim 9 has also been amended to specify that the brace member forming at part of the claimed snow retention member extends both forwardly and rearwardly of the body member of the snow retention member, which provides a very strong snow retention member that will resist deflection upon encountering a heavy snow load. Although the Office Action does not reflect the limitations of independent Claim 9, Applicant will admit that the Cline reference teaches a brace member that interconnects the body portion and the base portion, but the Cline brace member only extends on one side of the body member. Thus, the Cline reference cannot meet or make obvious the specific limitations of amended independent Claim 9 and Claim 10 which depends directly therefrom.

In view of the amendments made to independent Claims 1, 9 and 14, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Office Action has rejected Claims 6, 7, 17, 19 and 20 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Kwaitkowski in view of U. S. Patent No. D364338 (Cline) and U. S. Patent No. 6,584,737 (Bradley). The Office Action states that Bradley shows fasteners connecting the snow retention member to the mounting bracket to releasably connect the structures together. This rejection is respectfully traversed.

Applicant would have the Examiner note the cancellation of Claims 6 and 7 from the application with the limitations thereof being incorporated into independent Claim 1, while Claims 17, 19 and 20 remain in the application and contain limitations relating to the fasteners connecting the snow guard assembly together.

Applicant acknowledges that the Bradley reference depicts fasteners holding a supported member to the top of the support member, but respectfully submits that the Bradley reference does not teach or suggest that the mounting bracket can be detachably connected to the

attachment strap with threaded fasteners, or that the snow retention member can be retained on the mounting bracket by a locking fastener that extends through both the attachment strap and the mounting bracket. Accordingly, Applicant respectfully submits that amended independent Claim 1 and dependent Claims 17, 19 and 20, which depend from Claim 14, define patentable subject matter and should be passed to allowance.

For the reasons given above, Applicant respectfully requests that these rejections be reconsidered and withdrawn.

4. The Office Action has rejected Claims 8 and 18 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Kwaitkowski in view of Cline, Bradley and U. S. Patent No. 1,366,703 (Peter). The Office Action states that Peter shows a locking fastener that interengages an attachment strip and a base by passing through the mounting bracket. This rejection is respectfully traversed.

The specific teachings of the Kwaitkowski, Cline and Bradley references are discussed above. Peter adds nothing to these references to meet the specific limitations of amended independent Claim 1, particularly the detachable mounting bracket affixed to the attachment strap by threaded fasteners, and the utilization of a locking fastener that passes through both the attachment strap and the detachable mounting bracket to engage the snow retention member. Accordingly, Claim 8 should be passed to allowance with Claim 1.

With respect to Claim 18, which depends from amended independent Claim 14 and contains the limitations therein, Peter adds nothing to the other cited references to meet the limitations of Claim 14 relating to the attachment receptacle having a wedge edge to mate with the beveled edge on the base member of the snow retention member.

For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn and that Claims 8 and 18 be passed to allowance with the independent claims from which they depend.

5. The Office Action has rejected Claims 9, 10, 11 and 12 under the provisions of 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 1,863,561 (Brinker) in view of Cline.

The Office Action states that Brinker shows a snow retention member having a brace interconnecting the base member and the body member. Cline is cited to teach a base member with a beveled edge. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments made to independent Claim 9 to specify that the brace member extends on both opposing sides of the body member. Brinker and Cline each depict a brace member that is on one side of the body member, interconnected with the base member. Applicant respectfully submits that neither Brinker nor Cline, whether taken singly or in combination, can meet or make obvious the limitations of independent Claim 9, as amended. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

6. The Office Action has rejected Claim 13 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Brinker in view of Cline and U. S. Patent No. 473512 (Laird). The Office Action states that Laird teaches the positioning of a brace member extending both in front and in rear of the body member. This rejection is respectfully traversed.

Applicant would have the Examiner note the cancellation of Claim 13 from the application due to the incorporation of the limitations thereof into independent Claim 9. Applicant respectfully submits that Laird only teaches the provision of a brace member on one side of the body member, as does Brinker and Cline. The body member in Laird is a channel that holds an extraneous fence member to form a snow fence between the snow retention members. The brace member b of Laird only extends to the lower side of the body member to resist loads imposed by the collection of snow behind the snow fence.

For the reasons given above, Applicant respectfully requests that this rejection be reconsidered and withdrawn that amended independent Claim 9 be passed to allowance.

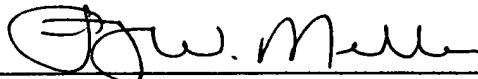
7. In summary, Claims 1, 8, 9, 14, 15, and 17 have been amended, Claims 6, 7, 13 and 16 have been canceled, and Claims 1 - 5, 8 - 12, 14, 15 and 17 - 20 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant

respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

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